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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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AZ CORP COMMISSION  
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MARC SPITZER, Chairman  
JIM IRVIN  
WILLIAM A. MUNDELL  
JEFF HATCH-MILLER  
MIKE GLEASON

DOCKETED BY

*CM*

IN THE MATTER OF THE APPLICATION OF  
MOUNT TIPTON WATER COMPANY, INC. FOR  
A RATE INCREASE

DOCKET NO. W-02105A-03-0303

RATE CASE  
PROCEDURAL ORDER

**BY THE COMMISSION:**

On May 13, 2003, Mount Tipton Water Company, Inc. ("Company") filed the above-captioned rate application with the Arizona Corporation Commission ("Commission").

On June 12, 2003, the Commission's Utilities Division Staff ("Staff") filed a letter informing the Company that its application had not met the sufficiency requirements of the Commission's rules.

On August 8, 2003, the Company filed an amendment to the May 13, 2003 rate application.

On September 8, 2003, Staff filed a letter indicating the Company's rate application was sufficient, and classifying the Company as a Class C utility.

Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that the hearing in the above-captioned matter shall commence on **March 25, 2004, at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington, Phoenix, Arizona 85007.

IT IS FURTHER ORDERED that the Staff Report and/or any direct testimony and associated exhibits to be presented at hearing on behalf of Staff shall be reduced to writing and filed on or before January 29, 2004.

IT IS FURTHER ORDERED that any direct testimony and associated exhibits to be presented at hearing on behalf of intervenors shall be reduced to writing and filed on or before January 29, 2004.

1 IT IS FURTHER ORDERED that any rebuttal testimony and associated exhibits to be  
2 presented at hearing by the Company shall be reduced to writing and filed on or before February 26,  
3 2004.

4 IT IS FURTHER ORDERED that any surrebuttal testimony and associated exhibits to be  
5 presented by the Staff and/or intervenors shall be reduced to writing and filed on or before March 11,  
6 2004.

7 IT IS FURTHER ORDERED that any rejoinder testimony and associated exhibits to be  
8 presented at the hearing shall be presented orally at the hearing.

9 IT IS FURTHER ORDERED that any objections to any testimony or exhibits which have  
10 been prefiled as of March 11, 2004, shall be made on or before March 19, 2004.

11 IT IS FURTHER ORDERED that any substantive corrections, revisions, or supplements to  
12 pre-filed testimony shall be reduced to writing and filed no later than five days before the witness is  
13 scheduled to testify.

14 IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105,  
15 except that all motions to intervene must be filed on or before November 28, 2003.

16 IT IS FURTHER ORDERED that discovery shall be as permitted by law and the rules and  
17 regulations of the Commission, except that: any objection to discovery requests shall be made within  
18 7 days<sup>1</sup> of receipt and responses to discovery requests shall be made within 10 days of receipt;  
19 thereafter, objections to discovery requests shall be made within 5 days and responses shall be made  
20 in 7 days;<sup>1</sup> the response time may be extended by mutual agreement of the parties involved if the  
21 request requires an extensive compilation effort; and no discovery requests shall be served after  
22 March 15, 2004.

23 IT IS FURTHER ORDERED that, in the alternative to filing a written motion to compel  
24 discovery, any party seeking discovery may telephonically contact the Commission's Hearing  
25 Division to request a date for a procedural hearing to resolve the discovery dispute; that upon such a  
26 request, a procedural hearing will be convened as soon as practicable; and that the party making such  
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28 <sup>1</sup> "Days" means calendar days.

a request shall forthwith contact all other parties to advise them of the hearing date and shall at the hearing provide a statement confirming that the other parties were contacted.<sup>2</sup>

IT IS FURTHER ORDERED that any motions filed in this matter that are not ruled upon by the Commission within 10 days of the filing date of the motion shall be deemed denied.

IT IS FURTHER ORDERED that any responses to motions shall be filed within five days of the filing date of the motion.

IT IS FURTHER ORDERED that any replies shall be filed within five days of the filing date of the response.

IT IS FURTHER ORDERED that the Company shall provide public notice of the hearing in this matter, in the following form and style:

**PUBLIC NOTICE OF HEARING ON THE  
RATE APPLICATION OF  
MOUNT TIPTON WATER COMPANY, INC.  
Docket No. W-02105A-03-0303**

On May 13, 2003, Mount Tipton Water Company, Inc. ("Company") filed an application with the Arizona Corporation Commission for an increase in its rates. Copies of the Company's application and proposed tariffs are available at its office and the Commission's offices for public inspection during regular business hours.

The Commission will hold a public hearing on this matter beginning **March 25, 2004** at 10:00 a.m. at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona. Public comments will be taken on the first day of the hearing.

The law provides for an open public hearing at which, under appropriate circumstances, interested parties may intervene. Intervention shall be permitted to any person entitled by law to intervene and having a direct and substantial interest in the matter. Persons desiring to intervene must file a written motion to intervene with the Commission no later than **November 28, 2003**. The motion to intervene must be sent to the Company or its counsel and to all parties of record, and shall contain the following:

1. The name, address, and telephone number of the proposed intervenor and of any party upon whom service of documents is to be made if different from the intervenor.
2. A short statement of the proposed intervenor's interest in the proceeding (e.g., a customer of the Company, a shareholder of the Company, etc.).

<sup>2</sup> The parties are encouraged to attempt to settle discovery disputes through informal, good-faith negotiations before seeking Commission resolution of the controversy.

3. A statement certifying that a copy of the motion to intervene has been mailed to the Company or its counsel and to all parties of record in the case.

The granting of intervention, among other things, entitles a party to present sworn evidence at the hearing and to cross-examine other witnesses. However, failure to intervene will not preclude any interested person or entity from appearing at the hearing and providing public comment on the application or from filing written comments in the record of the case. You will not receive any further notice of this proceeding unless you request it.

If you have any questions about this application, or want further information on intervention, you may contact the Consumer Services Section of the Commission at 1200 W. Washington Street, Phoenix, Arizona 85007 or call 1-800-222-7000.

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting Yvonne McFarlin at MYMcFarlin@admin.cc.state.az.us, the ADA Coordinator, voice phone number 602/542-3931. Requests should be made as early as possible to allow time to arrange the accommodation.

IT IS FURTHER ORDERED that the Company shall mail to each of its customers a copy of the above notice by October 10, 2003.

IT IS FURTHER ORDERED that the Company shall file certification of mailing as soon as practicable after the mailing has been completed.

IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing of same, notwithstanding the failure of an individual customer to read or receive the notice.

IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized Communications) applies to this proceeding and shall remain in effect until the Commission's Decision in this matter is final and non-appealable.

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1 IT IS FURTHER ORDERED that the time periods specified herein shall not be extended  
2 pursuant to Rule 6(a) or (e) of the Rules of Civil Procedure.

3 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive  
4 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

5 DATED this 22<sup>d</sup> day of September, 2003.

7  
8   
TEENA WOLFE  
ADMINISTRATIVE LAW JUDGE

9 Copies of the foregoing mailed  
10 this 22 day of September, 2003 to:

11 Mount Tipton Water Company, Inc.  
12 P.O. Box 38  
13 15695 Ironwood Drive  
Dolan Springs, AZ 86441

14 Christopher Kempley, Chief Counsel  
15 Legal Division  
ARIZONA CORPORATION COMMISSION  
16 1200 W. Washington Street  
Phoenix, Arizona 85007

17 Ernest Johnson, Director  
18 Utilities Division  
ARIZONA CORPORATION COMMISSION  
19 1200 W. Washington Street  
Phoenix, Arizona 85007

20 Arizona Reporting Service, Inc.  
21 2627 N. Third Street, Suite Three  
Phoenix, Arizona 85004-1103

22 By: 

23 Molly Johnson  
24 Secretary to Teena Wolfe  
25  
26  
27  
28

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 • Complete items 1, 2 and 3.  
 • Indicate if restricted delivery.  
 • Print your name and address.  
 • Attach this form to the front.  
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 • The Return receipt fee will be added to the postage.

1. Article Addressed to  
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 2627 N. Third St  
 Phoenix, AZ 85004

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 Signature - (Addressee)  
 PS Form 3811 W-021

<b>RETURN RECEIPT SERVICE</b>	POSTAGE	\$ 0.37	<b>POSTMARK OR DATE</b>
	RESTRICTED DELIVERY FEE	\$ 0.00	
	CERTIFIED FEE	\$ 2.30	
	RETURN RECEIPT FEE	\$ 1.75	
	TOTAL POSTAGE AND FEE	\$ 4.42	
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	RETURN RECEIPT FEE	\$ 1.75	
	TOTAL POSTAGE AND FEE	\$ 4.42	
<b>SENT TO:</b>		Mount Tipton Water Company, Inc. PO Box 38 15695 Ironwood Drive Dolan Springs, AZ 86441  W-02105A-03-0303	

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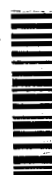
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master for fee.

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(receive the  
 for an extra fee):

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